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**IN THE UNITED STATES DISTRICT COURT IN AND FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

PORFIRIO MORENO-MUNOZ,	)	Case No. CR-F-02-5422
	)	
Petitioner,	)	<b>STIPULATION AND</b>
	)	<b>ORDER TO MODIFY BRIEFING</b>
	)	<b>SCHEDULE</b>
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

Petitioner Porfirio Moreno-Munoz and the respondent stipulate and agree to alter the briefing schedule in this matter. Currently respondent is to file its response to petitioner's brief supporting his §2255 petition by January 20, 2006. This Court has signed several previous orders which granted an extension of time for respondent to file its brief following the parties request to allow petitioner to submit an N600 application to BCIS regarding the issue of derivative citizenship. This process has taken longer than was originally anticipated by the parties. Petitioner submitted his N600 petition to BCIS June 10, 2005. BCIS has twice requested *Stipulation to Modify Briefing Schedule; Porfirio Moreno Munoz v. US; No. CR F-02-5422*

1 further information. Petitioner's latest submission of  
 2 additional information was on December 16, 2005. With his  
 3 latest submission petitioner requested an opportunity to  
 4 supplement his application with additional information regarding  
 5 petitioner's grandmother through her social security number  
 6 which was recently obtained by petitioner. This request was  
 7 granted. Petitioner must provide supplemental information to  
 BCIS by April 14, 2006.

8 Once this additional information is submitted to BCIS, BCIS  
 9 will need to review all the information provided and make its  
 10 determination whether to grant petitioner's N600 application.  
 11 Given these circumstances the parties agree that respondent  
 12 requires additional time to respond to petitioner's brief. In  
 13 that regard the parties stipulate to modify the briefing  
 schedule so that respondent shall have until June 9, 2006 in  
 which to file its responsive brief.

14 **SO STIPULATED.**

15 Dated: January 13, 2006

16 /s/ Carolyn D. Phillips  
 Carolyn D. Phillips  
 Attorney for Petitioner  
 Porfirio Moreno-Munoz

18 Dated: January 13, 2006

19 McGregor W. Scott  
 United States Attorney

20 Attorney

21 By: /s/ Marianne Pansa  
 Assistant United States

22 Attorney for Respondent

23 *Stipulation to Modify Briefing Schedule;*  
*Porfirio Moreno Munoz v. US; No. CR F-02-5422*

1 IT IS SO ORDERED.

2  
3 Dated: 1/19/2006

/s/ ROBERT E. COYLE  
Hon. Robert E. Coyle  
Senior United States District

4 Judge

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23 *Stipulation to Modify Briefing Schedule;*  
*Porfirio Moreno Munoz v. US; No. CR F-02-5422*